

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICERS
ERIC K. SNYDER
MATTHEW F. MILLER
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June 27, 2006

SUPERVISION UNIT
20 WASHINGTON PLACE
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The Honorable Joel A. Pisano
United States District Judge
District of New Jersey
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102-0999

RE: **RANDOLF JOSE FELIZ**
CR No. 02-00197-001 (ED/PA CR No. 99-679-01)
Notice of Noncompliance;
Petition to Modify the Conditions of Probation

RECEIVED
U.S. DISTRICT COURT
NEWARK, NJ
2006 JUL 10 P 3:11

Dear Judge Pisano:

On November 1, 2001, Randolph Jose Feliz was sentenced in the Eastern District of Pennsylvania by the Honorable Ronald L. Buckwalter to five years probation for the offenses of bank fraud and uttering or possessing a counterfeit security. In addition, the Court imposed a fine of \$10,000 and a special assessment fee of \$200. Restitution in the amount of \$58,161.43 was satisfied by the offender prior to the sentencing hearing. On March 15, 2002, jurisdiction in this case was transferred to the District of New Jersey and assigned to Your Honor under CR 02-00197-001.

For the duration of the probation term thus far, Feliz has resided in a rented apartment in Bloomfield, where he is self-employed as a computer consultant. His business, Zilef Solutions, is incorporated under the laws of the State of New Jersey. All of the monetary penalties in this case were satisfied as of March 10, 2004.

On July 30, 2004, the probation officer contacted the offender's landlord, who indicated that Feliz was away on a ten-day cruise. The offender, who did not have permission to travel outside the District of New Jersey, later admitted to the probation officer that he took a cruise to Puerto Rico and the U.S. Virgin Islands. He acknowledged that he did not request, nor was he granted, permission to travel outside the district. The offender was verbally reprimanded by the probation officer for this noncompliance, and he was instructed to request permission from our office before making any out-of-district travel in the future.

In February 2006, an investigation by the Probation Office, in conjunction with the Ohio Bureau of Motor Vehicles, revealed that the offender obtained an Ohio driver license in January 2004, and shortly thereafter he registered two motor vehicles in his name in the State of Ohio using Ohio addresses. Our investigation confirmed, and the offender later admitted, that he took several trips to Ohio between January and June 2004 to obtain this driver license and to lease a motor vehicle, and that these out-of-state trips were made without seeking or obtaining the permission of the Court or the probation officer.

One of the vehicles, a 2004 Land Rover Discovery, was leased and registered to the offender using an Ohio address, however the vehicle was maintained and operated by his sister, Suarmi Nunez, who lives in Ohio. The other vehicle, a 2004 Mercedes-Benz SL500, was leased by the offender in New Jersey but registered to an address in Ohio. In Net Worth and Cash Flow Statements completed and signed by Feliz under penalty

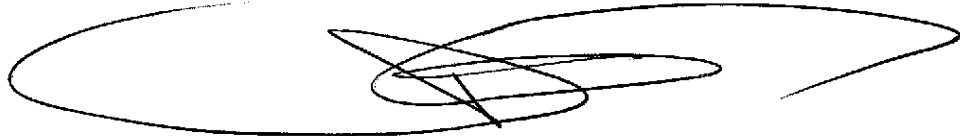
of perjury on February 8, 2006, the offender failed to disclose either of these vehicles, including the lease, registration, and insurance costs attributable to each vehicle. For instance, Feliz was (and still is) making monthly lease payments of \$1,000 for the Mercedes-Benz, which had an initial lease amount of \$63,000, and this monthly payment was not claimed by the offender in his signed Cash Flow Statement.

When confronted by the probation officer with the results of our investigation, Feliz admitted that he knowingly failed to disclose financial, registration, and insurance information pertaining to these vehicles in his personal financial statements. Feliz also admitted that he obtained an Ohio driver license because of problems with his driving record in New Jersey. Additionally, the offender admitted that he traveled to Mexico in August 2005, without the permission of the Court or the probation officer, to vacation with his girlfriend. Since March 2006, Feliz has submitted various personal and business documents to the probation officer to verify the legitimacy of his income and expenses. He has also obtained a New Jersey driver's license, forfeited his Ohio license, and registered all of his vehicles with the New Jersey Motor Vehicle Commission.

Based on the violations alleged herein, we are petitioning the Court to modify the conditions of probation to include 100 hours of community service work, to be completed before the probation term is scheduled to expire on October 31, 2006. The offender consented to this proposed modification and signed a Probation Form 49, which is attached. Should the Court concur with this request, please sign the enclosed Probation Form 12B (Request for Modifying the Conditions of Supervision with Consent of the Offender). We will make ourselves readily available should Your Honor wish to discuss this matter, so please do not hesitate to contact the undersigned probation officer at (973) 645-4746.

Very truly yours,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

A handwritten signature in black ink, appearing to read 'Donald L. Martenz, Jr.', is written over a large, horizontal, oval-shaped line that serves as a separator or underline.

By: Donald L. Martenz, Jr.
Senior U.S. Probation Officer

cc: Office of U.S. Attorney (Newark)

PROB 12B
(7/93)

United States District Court

for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Randolph Jose Feliz

D/NJ CR 02-00197-001

Name of Sentencing Judicial Officer: The Honorable Ronald L. Buckwalter (ED/PA CR 99-00679-001)

Date of Original Sentence: 11-01-01

Original Offense: Bank Fraud; Uttering or Possessing a Counterfeit Security

Original Sentence: 5 years probation

Type of Supervision: Probation

Date Supervision Commenced: 11-01-01

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ Years, for a total term of _____ Years.
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall contribute 100 hours of community service work before his probation term is scheduled to expire on October 31, 2006. Such service shall be without compensation, with the specific work placement to be approved by the U.S. Probation Office.

CAUSE

A recent investigation by the Probation Office revealed that the offender traveled to the State of Ohio several times in 2004 to obtain a driver license and to lease a motor vehicle, and that he did not have the permission of the Court or the probation officer to make these out-of-district trips. Furthermore, in a financial affidavit signed by the offender under penalty of perjury on February 8, 2006, Feliz failed to disclose two leased motor vehicles, including the lease, registration, and insurance costs attributable to these vehicles, which were improperly registered in the offender's name in the State of Ohio. Also in February 2006, after the probation officer requested to review his passport, Feliz admitted that he traveled to Mexico in August 2005 to vacation with his girlfriend, this without seeking or obtaining the permission of the Court or the probation officer. The offender has since rectified his driving privileges and vehicle registrations with the New Jersey Motor Vehicle Commission, and he has canceled his driver license and vehicle registrations in the State of Ohio.


Respectfully submitted,



By: Donald L. Martenz, Jr.
Senior U.S. Probation Officer
Date: June 28, 2006

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other



Signature of Judicial Officer

7/10/06

Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall contribute 100 hours of community service work before his probation term is scheduled to expire on October 31, 2006. Such service shall be without compensation, with the specific work placement to be approved by the U.S. Probation Office.

Witness: _____

Senior U.S. Probation Officer
Donald L. Martenz, Jr.

Signed: _____

Probationer or Supervised Releasee
Randolf J. Feliz

6-28-06

DATE